

FEB 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In Re Application of:**

Applicants: : Raymond J. O'Neill and Raymond J. O'Neill, Jr.
Serial No. : 10/829,469
Filing Date : April 21, 2004
Title of Invention : TRANSPORTABLE BASKETBALL SYSTEM HAVING WIND-TRANSMISSIVE MESH BACKBOARD STRUCTURE AND SAND-ANCHORABLE POST ASSEMBLY WITH THREADS AND HANDLES FOR SAFE, SIMPLE AND QUICK INSTALLATION ALONG BEACHES, SHORELINES AND OTHER SAND-COVERED OUTDOOR ENVIRONMENTS
Examiner : Michael Chambers
Group Art Unit : 3711
Attorney Docket No. : 121-001USANB0

Honorable Commissioner of Patents
and Trademarks
Washington, DC 20231

INFORMATION DISCLOSURE STATEMENT**UNDER 37 C.F.R. 1.97**

Sir:

In order to fulfill Applicants' continuing obligation of candor and good faith as set forth in 37 C.F.R. 1.56, Applicants submit herewith an Information Disclosure Statement prepared in accordance with 37 C.F.R. Sections 1.97, 1.98 and 1.99.

The disclosures enclosed herewith are as follows:

U.S. PUBLICATIONS

<u>NUMBER</u>	<u>FILING DATE</u>	<u>TITLE</u>
6,196,938 B1	February 18, 1994	REMOVABLE BASKETBALL BACKBOARD COVER
5,947,847	July 10, 1998	PORTABLE FOLDING BASKETBALL GOAL SYSTEM
5,913,778	February 21, 1997	FLANGED MOUNTING SYSTEM FOR AN IN-GROUND BASKETBALL SYSTEM
5,895,169	January 14, 1997	COLLAPSIBLE AND REMOVABLE BARRICADE POST ASSEMBLY
5,902,197	May 13, 1998	FOLDABLE PORTABLE BASKETBALL

		GOAL ASSEMBLY
5,888,153	September 26, 1996	PORTABLE SHOT TARGET ASSEMBLY
5,615,890	May 16, 1996	NO BOUNCE NO DUNK RECREATION BALL GAME
Des. 369,633	July 15, 1994	BASKETBALL BACKBOARD
5,476,260	February 17, 1994	TARGET GAME
5,255,910	June 16, 1992	BASKETBALL GOAL ASSEMBLIES
5,158,281	November 29, 1991	PORTABLE BASKETBALL GOAL ASSEMBLY
5,133,546	January 23, 1991	FOLDABLE BASKETBALL GAME APPARATUS AND METHOD
4,979,754	May 6, 1990	PORTABLE BEACH GAME
4,826,162	October 6, 1986	COMPACT BASKETBALL GOAL AND BACKBOARD ASSEMBLY
4,468,027	November 26, 1982	MINIATURE BASKETBALL BACKBOARD ASSEMBLY ATTACHABLE TO A DOORFRAME, DOOR OR THE LIKE
4,373,720	August 6, 1980	TENNIS PRACTICE BACKBOARD
4,131,283	October 25, 1977	GAME APPARATUS
3,960,378	March 12, 1975	TARGET AND AIR ACTUATED PROJECTORS

FOREIGN PUBLICATIONS

<u>NUMBER</u>	<u>PUBLICATION DATE</u>	<u>TITLE</u>
2 706 778	December 30, 1994	PERFECTIONNEMENT POUR PANNEAU DE BASKET

TECHNICAL PUBLICATIONS

"Welcome to World Beach Basketball" by World Beach Basketball Association,
<http://www.beachbasketball.com>.

INTERNATIONAL SEARCH REPORTS**App. No.****Filing Date**

PCT/US01/09933

May 21, 2001

STATEMENT OF PERTINENCE

U.S. Patent No. 6,196,938 B1 to Wiedner discloses a removable basketball backboard cover adapted to fit on a basketball backboard. The cover comprises a central portion and a leading edge portion. The central portion is adapted to extend across a front face of a basketball backboard and has an opening through which a rim on the front face of the backboard projects. The leading edge portion of the removable cover is adapted to extend across a portion of the back face of the backboard. The central portion of the removable cover preferably displays indicia such as advertising or other promotional material.

U.S. Patent No. 5,947,847 to Nimwegen et al. discloses a portable, folding basketball system employing a unique design to allow manual manipulation of the system from an extended position suitable for game play and a retracted position for compacted storage of the system. The system comprises a plurality of pole sections which form a pole of variable height, a base pivotally connected to the pole and having a recess for receiving the pole, a support arm pivotally connected to the base, a collar pivotally connected to the support arm and slidably engaging the pole, a bracket assembly pivotally connected to the pole, a backboard connected to the bracket assembly, and a rim assembly pivotally connected to the backboard. In the extended position the pole is generally directed upward at a playable height, the rim is in the horizontal position, and the backboard is in a playable position. In the retracted position, the pole is reduced in height and is nested within the recess of the base, the rim is disposed generally parallel to the backboard, and the backboard and bracket assembly are pivoted so that the majority of the backboard is disposed below the upper pole end.

U.S. Patent No. 5,913,778 to Hying et al. discloses a basketball mounting system for an in-ground basketball system has a flanged basketball support pole and a flanged ground sleeve receiving a portion of the pole in overlapping relationship. The flanges are connected together by removable fasteners such as threaded bolts. In addition, the mounting system may include jacking members in the pole flange to facilitate removal of the pole from the ground sleeve. The jacking members include members such as threaded bolts passing through the pole flange that, when rotated in one direction, press against the ground sleeve flange causing the pole and the ground sleeve to separate.

U.S. Patent No. 5,895,169 to Holm discloses a removable and collapsible barricade post assembly for the restriction of vehicular traffic. The barricade post assembly has a novel base assembly that allows the post assembly to be removed from its mounting bracket which is normally permanently affixed to the ground. Alternatively, the post assembly can remain attached to its mounting bracket while being lowered to allow the passage of vehicular traffic. The barricade post assembly has a number of security features to restrict the unauthorized removal or collapsing of the barricade post. A cover assembly to enhance security and to provide weather protection for the barricade post assembly is also described.

U.S. Patent No. 5,902,197 to Davis et al. discloses a portable basketball goal assembly that includes a rim attached to a backboard bracket. The backboard bracket is attached to a basketball backboard. The rim is pivotal in a direction towards the basketball backboard. The backboard is attached to one end of a shaft that contains foldable elements. The other end of the shaft is pivotally attached to the rear end of a base. A shaft support element has one end pivotally attached to the front end of the base. The other end of the shaft support element is removably attached to the shaft. The shaft and the shaft support element can be folded towards the base to allow storage and portability of the basketball goal. The base includes one or more wheels along its front edge allowing for transportability of the folding assembly. The basketball goal assembly can be stored in either a horizontal position parallel to the ground, or a vertical position perpendicular to the ground.

U.S. Patent No. 5,888,153 to Masin discloses a portable target which can be connected to a fixed object such as the frame of a hockey net. The target is a band of steel or other sturdy material of any desired shape. A pocket is connected to the perimeter of the target for catching a hockey puck, ball or other object which is directed through the perimeter of the target. A spring is, at one end, connected to the target and, at its opposite end, connected to a clamping device such that the target, spring and clamping device, can be connected to a fixed object such as the goal post or crossbar of a hockey net. The shot target assembly can be easily connected to and removed from a wide variety of objects. The spring can absorb any impact caused by a projectile hitting the target without displacing the shot target assembly and without causing damage to the target.

U.S. Patent No. 5,615,890 to Blue discloses a competitive recreational game including: a foam game ball with symmetrical air holes therethrough; at least one paddle, racquet or mitt per player; a vertical net attached to a frame with support posts; a ball return to player net for each opposing player; at least one opposing basketball hoop with attached net to at least one common backboard on the forehand and backhand side; a central located basketball hoop attached to the top center portion of the vertical frame common to both players and a playing court with boundaries, scoring rules and regulations for all levels of play based on at least 1 opposing player. Points are scored by subtracting from 15 down to zero in several strategic rewarding ways. The air ball game is a "no bounce no dunking" type and is designed to be played on the beach, in the backyard or indoors on a floor surface. A one person practice board, with post and base, a hoop with net and a ball return to player net, designed to warm-up touch and accuracy, is also part of an extension of this recreation game.

U.S. Patent No. Des. 369,633 to Taylor et al. discloses an ornamental design for a basketball backboard.

U.S. Patent No. 5,476,260 to Ottley discloses a target game for outdoor use wherein a ball is tossed or rolled toward a target with the target comprising a plurality of cups which are buried in the ground. Additionally, a backer board and rails are provided to accurately guide the ball in its path.

U.S. Patent No. 5,255,910 to Simonseth discloses an apparatus for suspending a basketball goal assembly above a basketball playing surface. The apparatus comprises a housing having an array of through holes formed therein; a basketball ring attached to the housing; a plurality of mounting plates, each having an array of mounting holes formed therein; a backboard having an array of holes formed therein; a structural member having an array of holes formed therein, the structural member being suspended above the basketball playing surface; and attachment bolts and nuts for allowing any one of the plurality of mounting plates to be attached to the housing. The arrays of holes in the housing, the mounting plate attached thereto, the backboard, and the structural member are aligned to allow mounting bolts to be inserted through the various holes that the housing is rigidly suspended above the basketball playing surface. By selecting the mounting plate having a hole array that matches the hole array in the backboard and structural member on which the ring is to be mounted, the housing and ring easily can be adapted to be mounted on a variety of backboards and structural members.

U.S. Patent No. 5,158,281 to Williams discloses a portable basketball goal assembly which includes an anchor, a goal post, a backboard, and a basket. The mass of the anchor is variable to promote mobility. The anchor includes a nonpermeable receptacle which facilitates the storage of a volume of substance, such as water. The container may be either a drum, such as an industrial drum, a rain barrel, a garbage canister, or the like, or it may be an industrial strength bag suspended from a frame assembly both of which are capable of retaining the volume of substance. The volume of substance is proportional to the mass of the anchor. A variance in the volume of substance produces a variance in the mass of the anchor. The nonpermeable receptacle has an opening in the top to allow the user to add to the volume of substance, thus increasing the mass of the anchor. Also included near the bottom of the nonpermeable receptacle is a stopclock which enables the user to discharge some of the volume, thereby decreasing the mass of the anchor. The goal post is supported by the anchor which supports the backboard which, in turn, supports the basket. The variable mass of the anchor permits the anchor to provide adequate support for the goal post as well as enhance the portability of the basketball assembly.

U.S. Patent No. 5,133,546 to Matherne et al. discloses an arcade-type foldable basketball game apparatus upon which games may be played using a basketball, having a framework with a support portion and an extended portion pivotally connected to the support portion so that the extended portion is movable between an upright storage position and a recumbent, ready-to-play position. The support portion is configured to maintain an upright disposition independent of whether the extended portion is disposed in the upright position or the recumbent position. The movement of the extended portion is controlled by a releasable catch and detent assembly for securing the extended portion in either the storage position or the ready-to-play position. One or two basketball goals are connected to the support portion of the framework and a ball return is connected to said framework to return basketballs shot at the goals by players to the players. Each basket scored is counted by a scoring mechanism which displays the time remaining in a game and the running and final scores.

U.S. Patent No. 4,979,754 to Eisenhart discloses a game that is suitable for use on a beach

or on similar loose granular soil wherein a ball is hit back and forth over a net. The net is suspended between two hollow supports over a foldable ground sheet that delineates part of the playing region. The sheet combines with the loose soil to furnish a rebounding surface for the ball. Each support has a wide base and an upright post that are filled with sand or water to provide additional weight to the supports to hold a net suspended therebetween in a taut condition over the ground sheet. The net can be folded and stored in one support along with other game related equipment which the ground sheet can be similarly stored in the other support. Handles are mounted upon each support to provide for ease of transportation.

U.S. Patent No. 4,826,162 to Allen discloses a basketball goal and backboard assembly which are provided for shipment in a carton having a girth plus longest dimension less than or equal to 108 inches, for shipment by common carrier. A backboard is provided with reduced outside dimension for saving material cost, particularly fiberglass, yet still affording 92% of the playing surface area of a conventional board. Support bracket hardware is provided with significantly reduced shipping height requirements, yet providing precise 90 degree mounted orientation of the rim relative to the backboard, by slight deformation of interlocking bosses in mating nested relation upon tightening of bolts through mounting apertures subject to tolerance deviation which may otherwise deviate the position of the rim from horizontal, particularly at the forward edge.

U.S. Patent No. 4,468,027 to Pangburn discloses a miniature basketball backboard assembly which attaches to a door frame or the like for indoor use and specifically for use in areas with space limitations preventing play of the full scale game. A horizontal transom brace includes a flange portion which extends horizontally over the ledge of a transom, and is fixedly attached to the transom by tacks which are nailed through holes in the transom flange and into the transom. A transom backing extends downward from the transom flange between the backboard and the transom. The backboard is attached to the transom backing by nylon screws which are placed through holes in the backboard and into threaded holes in the transom backing. The nylon backing both protects the door frame structure and improves the sturdiness and durability of the mounted backboard. A second brace includes a jamb flange which extends vertically and is placed against the side edge of a jamb. The jamb brace is fixedly attached to the jamb by tacks which are nailed through holes in the jamb flange and into the side of the jamb. A nylon jamb backing extends horizontally from the jamb flange between the backboard the jamb. The backboard is firmly fixed to the jamb backing by a nylon screw which is placed through a hold in the backboard and threaded into a hole in the jamb backing.

U.S. Patent No. 4,373,720 to Lombardi et al. discloses a tennis practice backboard that allows a tennis ball hit against the practice backboard to return to approximately the same spot at about the same height every time. The system is constructed at the tennis court from a plurality of panels. The panels are concaved and formed of structural polyurethane foam material, the top of the backboard is tilted backwardly with respect to the bottom by a small positive angle, adjacent panels of the backboard are fastened to one another, brackets are fastened to the panels, horizontal members are connected to the brackets whereby the horizontal members are mounted to posts of a tennis court fence, the panels are not affected by humidity, wind, rain, cold, heat or other adverse weather conditions.

U.S. Patent No. 4,131,283 to Havlik discloses a game board having opposed parallel major surfaces including a plurality of playing fields in a row and a column array. The playing fields are

mounted on a mesh formed of mutually perpendicular elongated support members interconnected to provide a plurality of generally square openings in which the playing fields are received with each playing field swingably attached along the same side thereof only to the adjacent one of a parallel set of support members of the mesh. A plurality of game pieces, each comprising a pair of indicia bearing bodies joined to each other at one of their ends, are also provided. The board and pieces are so constructed as to enable the pieces to be received on a playing field with indicia-bearing bodies of each piece extending in juxtaposed parallel relation to an opposed major surface of the playing field.

U.S. Patent No. 3,960,378 to Bahr discloses a game with a game board, the board being made of a mesh screen on which a lightweight game piece is placed. Mounted in parallel and spanning the width of the mesh screen from below are retractable, rotatable playing tubes. Each playing tube is capped at one end, the other end being directly connected to an air bulb which also serves as a handle. Located on each playing tube is an angular nozzle which can direct air flow from the tube through the mesh screen, causing the game piece to move in the direction of the air flow. Goals and nets are provided so that games such as basketball, volleyball, soccer, tennis and the like may be simulated on the game board.

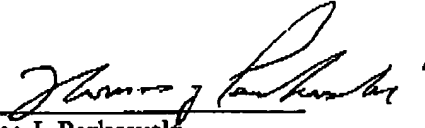
French Patent No. 2 706 668 to Michel discloses an ensemble of a panel of basketweave, made up of a vertical panel before which is fixed a basket formed of a rigid ring, to which is attached a conical string bag, of a vertical axis and open at both ends. The rigid circle is placed horizontally and fixed to a vertical screen held by a support.

The 2002 product brochure entitled "Welcome to World Beach Basketball" discloses the beach basketball game described on page one of the Specification of the present Application.

A separate listing of the above references on PTO Form 1449 and a copy of the foreign and scientific publication are attached hereto for the convenience of the Examiner.

Respectfully submitted,

Dated: February 15, 2005


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CERTIFICATE OF FACSIMILE SERVICE UNDER
37 CFR 1.06(d)

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Thomas J. Perkowski, Esq.

Date: February 15, 2005

Substitute for form 1449A/PTO

**INFORMATION
DISCLOSURE STATEMENT
BY APPLICANT**

Sheet

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of

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Complete If Known

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Application Number	10/829,469
Filing Date	April 21, 2004
First Name Inventor	Raymond J. O'Neill and Raymond J. O'Neill, Jr.
Group Art Unit	3711
Examiner Name	Michael Chambers
Attorney Docket Number	121-001USANB0

FEB 15 2005**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	U.S. Patent Documents		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Int'l Class / Sub Class
		Number	Kind Code (if known)			
		6,196,938 B1		Wiedner	03/06/2001	A63B 63/00
		5,947,847		van Nimwegen et al.	09/07/1999	A63B 63/08
		5,913,778		Hying et al.	06/22/1999	E02D 27/42
		5,895,169		Holm et al.	05/20/1999	E01F 9/019
		5,902,197		Davis et al.	05/11/1999	A63B 63/08
		5,888,153		Masin	03/30/1999	A63B 69/00
		5,615,890		Blue	04/01/1997	A63B 67/00
		Des. 369,633		Taylor et al.	05/07/1996	
		5,476,260		Ottley	12/19/1995	A63F 7/00
		5,255,910		Simonseth	10/26/1993	A63B 63/08
		5,158,281		Williams	10/27/1992	A63B 63/08

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Documents		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Intn'l Class / Sub Class
		Number	Kind Code (if known)			
		5,133,546		Matherne et al.	07/28/1992	A63B 63/08
		4,979,754		Eisenhart	12/25/1990	A63B 71/02
		4,826,162		Allen	05/02/1989	A63B 63/08
		4,468,027		Pangburn	08/28/1984	A63B 63/08
		4,373,720		Lombardi et al.	02/15/1983	A63B 61/00
		4,131,283		Havlik	12/26/1978	A63F 3/02
		3,960,378		Bahr	06/01/1976	273/85 H

PUBLICATIONS		
Examiner Initials	Cite No.	Description
		Welcome to World Beach Basketball by World Beach Basketball Association, http://www.beachbasketball.com , 1900

FOREIGN PATENT DOCUMENTS							
Examiner Initials		Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Intn'l Class / Sub Class
		Numbe r	Kind Code (if known)				
			2 706 778		SNC SPORT CONCEPT, France	12/30/1994	A 63 B 63/08

PUBLICATIONS		
Examiner Initials	Cite No.	Description
		2001 PCT Search Report for International Application No. PCT/US01/09933

EXAMINER**DATE CONSIDERED**

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance not considered. Include copy of this form with next communication to applicant.

(INFORMATION DISCLOSURE STATEMENT – SECTION 9 PTO-1449)